IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 27316 of 2006(B)

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PETITIONER:

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V.RAMACHANDRAN, NAGAMADOM,
PELA P.O., MAVELIKKARA.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS:

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1. THE COURT OF THE ENQUIRY COMMISSIONER
AND SPECIAL JUDGE (VIGILANCE),
THIRUVANANTHAPURAM.

2. KERALA STATE HOUSING BOARD,
REP. BY ITS SECRETARY, BRANCH OFFICE,
THIRUVAMPADI, ALAPPUZHA.

BY SC SRI. POOVAPPALLY RAMACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ANTONY DOMINIC, J**

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W.P.(C).27316/2006

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Dated this the 26th day of November, 2007

**JUDGMENT**

Petitioner is an accused in a vigilance case and while granting bail, one condition imposed by the first respondent was that the petitioner shall not sell or alienate any immovable property. It is stated that the property in question is mortgaged to the second respondent and that when default was committed, second respondent issued recovery proceedings. In this context, petitioner has filed this writ petition praying that he should be permitted to dispose of the property and liquidate the liability due to the second respondent.

2. What the petitioner now seeks is in effect to set aside the condition imposed by the first respondent while granting bail. If the petitioner wants any modification in the condition so imposed by the first respondent, the course to be adopted was not to have filed this writ petition but to have moved the first respondent itself for lifting the condition, and this the petitioner has not done.

Therefore, reserving liberty to the petitioner to move the first respondent for appropriate modification of the condition imposed while granting bail, this writ petition is dismissed.

**ANTONY DOMINIC**
**Judge**

mrcs